

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for

Landers Sanitary Landfill

SWIS No. 36-AA-0057

March 3, 2017

Background Information, Analysis, and Findings

This report was developed in response to the San Bernardino County Department of Public Health, Division of Environmental Health Services Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Landers Sanitary Landfill, SWIS No. 36-AA-0057, located in Landers, owned and operated by the County of San Bernardino Solid Waste Management Division. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on January 31, 2017. A new proposed permit was received on February 8, 2017. Action must be taken on this permit no later than April 9, 2017. If no action is taken by April 9, 2017, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current SWFP (2011)	Proposed SWFP
Waste Disposal Area (acres)	44	92
Estimated Closure Year	August 2018	2072
Design Capacity (cubic yds.)	3,083,500	13,983,500

Other changes include edits to the following sections of the SWFP: "Prohibition," documents that describe and/or restrict the operation of the facility, "Self-Monitoring," and "Local Enforcement Agency (LEA) Conditions" for the purpose of updating and/or clarifying.

Key Issues

The proposed permit will allow for the following:

1. Expand the waste disposal area from 44 to 92 acres;
2. Extend the estimated closure year of the landfill from August 2018 to 2072;
3. Update the design capacity of the landfill from 3,083,500 to 13,983,500 cubic yds.;

4. Update the Preliminary Closure and Postclosure Maintenance Plan and the Non-Water Corrective Action Plan; and
5. Update the Joint Technical Document (JTD), dated October 2016 to reflect current and proposed operations.

Background

This is an existing Class III municipal solid waste landfill that has been in continuous operation since 1967. The proposed project would allow the landfill to expand the refuse limit to the west-northwest of the existing refuse fill area with an increase in the refuse footprint; extend the remaining site life; increase the permitted gross airspace for future disposal; construct a composite liner and leachate collection and removal system; construct a landfill gas control system; and construct a prescriptive final cover system (or an approved final cover design) either at the end of active operations or in phases as the landfill is developed.

Findings

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated January 26, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on September 30, 2016. The LEA provided a copy to the Department on October 6, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received the proposed Solid Waste Facilities Permit on February 8, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on January 31, 2017, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated February 17, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section found the Preliminary Closure/Postclosure Maintenance Plan technically adequate as described in their memorandum dated March 3, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	A copy of the most recently submitted written estimate to cover the cost of known or reasonably foreseeable corrective action was received by CalRecycle's Engineering Services Branch staff in the Closure and Technical Support Section on January 13, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated January 30, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated January 30, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on January 12, 2017. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on January 31, 2017 that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting on was held by the LEA December 21, 2016. No written comments were received by the LEA or Department staff. Oral comments were received by LEA. See Public Comments below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on January 12, 2017, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Based on the LEA's monthly inspection reports, the facility did not receive any violations of state minimum standards or permit conditions during the last five years.

Environmental Analysis

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Bernardino County Department of Public Works, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts, and mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: expand the waste disposal area from 44 acres to 92 acres; extend the estimated closure year from August 2018 to 2072; and update the design capacity from 3,083,500 to 13,983,500 cubic yards. These changes are supported by the following environmental documents.

A Draft Environmental Impact Report (EIR), State Clearinghouse No. 2014041106, was circulated for a 45-day comment period from September 9, 2015 to October 23 2015. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The Final EIR was certified by the Lead Agency on March 22, 2016. The Notice of Determination was filed with the San Bernardino County Clerk of the Board of Supervisors and State Clearinghouse on March 22, 2016.

The County of San Bernardino Department of Public Health, Division of Environmental Health Services – Local Enforcement Agency, has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the EIR as prepared by the Lead Agency in that there are no grounds under

CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA record and recommends the EIR is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the EIR certified by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments

The project document availability and associated meeting were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on December 21, 2016, at the Yucca Mesa Community Center located at 3133 Balsa Avenue in Yucca Valley. The operator addressed verbal questions and comments pertaining to potential odor, traffic, recycling, out-of-county waste, scavenging, tire disposal, and illegal dumping from the public. No opposition to the proposed changes were received from the public. No written comments were received from the public by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 21, 2017. No comments were received by Department staff.